

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Jerod J. Cook,)
Plaintiff,) Civil Action No. 5:18-cv-1721-RMG
v.)
Sgt. Makesha Fair and MHC Spurlock,)
Defendants.)

)

ORDER

Before the Court is Plaintiff's request to dismiss this action. (Dkt. No. 34). Plaintiff identifies the motion as a "motion/request to dismiss" and, due to the nature of the request, this Court treats the motion as one for voluntary dismissal under Federal Rule of Civil Procedure 41. Defendants filed a Response in support of Plaintiff's motion. (Dkt. No. 36.)

Plaintiff's action is dismissed without prejudice. *See Flath v. Bombardier, Inc.*, 217 F.3d 838 (4th Cir. 2000) ("The purpose of Rule 41(a)(2) is freely to allow voluntary dismissals unless the parties will be unfairly prejudiced.") (citation omitted). Here, the motion was filed before discovery and while a motion for a preliminary injunction was pending, so granting this motion does not prejudice Defendants. Furthermore, Defendants support the motion.

Therefore, the Court **GRANTS** Plaintiff's motion for voluntary dismissal (Dkt. No. 34) and the case is **DISMISSED WITHOUT PREJUDICE**. All other pending motions are **DENIED AS MOOT**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

August 30, 2018
Charleston, South Carolina